

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

CARMEN CONSOLINO, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 17-cv-09011
)	
v.)	The Honorable Judge Robert Dow
)	
THOMAS J. DART, <i>et al.</i> ,)	
)	
Defendants.)	

**FINAL JOINT MOTION TO EXTEND THE DISCOVERY CUTOFF BY 35 DAYS
TO AND INCLUDING JUNE 6, 2022**

NOW COME, the parties, jointly through their respective counsels, Cass T. Casper, Disparti Law Group, P.A., for Plaintiffs, and Justin L. Leinenweber, Leinenweber Baroni & Daffada, LLC, and Ethan White, Emery Law, Ltd., for Sheriff's Defendants, and David Cascio, Laner Muchin, for Defendant Cook County, Illinois, and move this Honorable Court for a final extension of time to complete fact discovery by 35 days to and including June 6, 2022 for the following reasons:

1. All parties have spoken and are in agreement with this Motion, which is filed on a joint basis.
2. On January 5, 2022, this Court extended fact discovery to April 30, 2022 and stated in its order that "[n]o further extensions will be granted absent good cause shown . . ." (Dkt. 112).
3. Since the entry of that order, the parties have completed an enormous amount of discovery, including the following depositions nearly all of which took between five to seven hours and involved reviewing thousands of pages of documents to prepare exhibits:
 - a. Deposition of Carmen Consolino on March 9, 2022.
 - b. Deposition of Andres Garcia on March 10, 2022.

- c. Deposition of Cynthia Chubb on March 16, 2022.
- d. Deposition of Victor Thomas on March 7, 2022.
- e. Deposition of Antonio Belk on March 8, 2022.
- f. Deposition of Aretha Germany on March 15, 2022.
- g. Deposition of Karyn Williams on March 18, 2022.
- h. Deposition of Jill McArdle on April 22, 2022.
- i. Deposition of Nneka Jones-Tapia on April 25, 2022.
- j. Deposition of Jeff Johnsen on April 12, 2022.
- k. There is a pending deposition of Matthew Burke set for April 29, 2022 that will be proceeding.

4. Plaintiff's counsel also timely inquired of dates for some of the foregoing deponents in December 2021 and January 2022, and sent deposition notices setting dates on February 9, 2022. The parties thereafter began negotiating and setting dates for various deponents.

5. Plaintiff's counsel also noticed remaining depositions within the discovery period for: Zelda Whittler-Martin, Helen Burke, Brad Curry, Michael Miller, Michael Holmes, Thomas Dart, Tarry Williams, Robert Egan, a Cook County Rule 30(b)(6) Designee, and a Sheriff's Rule 30(b)(6) Designee.

6. Through no fault of any counsel on this case, the depositions of Zelda Whitter-Martin, Helen Burke, and Brad Curry have needed to be rescheduled into May for significant personal and/or work-related obligations of these witnesses. The parties are working amicably to accommodate these deponents' needs and will get them done in May.

7. Plaintiff has agreed to table the depositions of Michael Miller, Michael Holmes,

Thomas Dart, Tarry Williams, Robert Egan, a Cook County Rule 30(b)(6) Designee, and a Sheriff's Rule 30(b)(6) Designee until the completion of one or more of the depositions of Zelda Whittler-Martin, Helen Burke, and Brad Curry, due to the fact that the other depositions have provided substantial amounts of information and may obviate the need for these further depositions.

8. Production requests and written discovery is ongoing, but largely completed, except for the following: (i) in *Tate, et al. v. Dart, et al.*, 2018 CH 02749, a case in the Circuit Court of Cook County involving the termination/layoff of commanders similar to this case, Judge Michael Mullen is set to rule on objections to document productions on the basis of privilege on May 5, 2022 at 2:00 p.m., which may result in additional documents being exchanged in this case; (ii) the parties are still discussing which documents from *Tate, et al. v. Dart, et al.*, 2018 CH 02749, need to be produced in this case, with Plaintiff's counsel needing to get a response to Defendants' counsel on this issue; (iii) Cook County is objecting and/or responding to a subpoena for documents sent from Plaintiffs; (iv) to the extent any witnesses testify to documents not produced by Defendants that fall within the scope of prior requests or the MIDP, the parties will exchange those; (v) Plaintiff Belk has a motion in a bankruptcy case involving amending previous schedules that will result in supplemental productions, although this information is publicly available to all parties; (vi) Plaintiffs have tabled a proposed motion to compel production responses temporarily due to the pendency of Judge Mullen's ruling and depositions; and, (vii) deposition transcripts have been ordered from deposition in *Tate, et al. v. Dart, et al.*, 2018 CH 02749, and will be produced in this case as soon as received, although all parties have equal access to these.

9. While the outstanding issues seem extensive, the parties believe they are manageable and the parties are working well together to complete the remaining discovery. Plaintiffs have agreed that they will not be issuing any more written discovery nor further deposition notices beyond those issued as of April 28, 2022, except as otherwise noted in Paragraph 8 *supra*.

10. The parties expect they can complete all these issues and wrap up all fact discovery by June 6, 2022, and then begin expert discovery. Plaintiff intends to retain three experts. Defendants do not anticipate retaining any affirmative experts, but do anticipate challenging Plaintiffs' expert witnesses via motion, or rebuttal reports.

CONCLUSION

For the foregoing reasons, the parties respectfully request that this Honorable Court grant this Motion, and extent the fact discovery cutoff one final time to June 6, 2022.

Respectfully submitted,

/s/ Cass T. Casper

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 28, 2022 he caused to be served the foregoing document on all counsel of record via this Court's CM/ECF filing system, and that all such counsels are registered e-filers.

/s/ Cass T. Casper
